

Cable a baseband video/audio signal for over 11 years, Cable is not entitled to arbitrarily require KGCT deliver a -45dBm RF signal at their Head End;³ (3) require Cable to reinstate KGCT to the cable channel previously occupied.

Background

In 1996 the cable system serving the City of Nowata, Oklahoma was known as Cablecom of Vinita & Nowata. Cablecom maintained separate "Head-End" towers for each city (Vinita and Nowata, Oklahoma). In 1996 MDB was licensee of new Low Power, television station K60EX (original call sign of KGCT) located in Nowata, Oklahoma. In November 1996, MDB elected Must-Carry for the Nowata station with Cablecom of Vinita & Nowata⁴. Station K60EX was added to the Nowata cable system lineup early 1997.

Cablecom of Vinita & Nowata became properties of Cable One, Inc. prior to 2000. The Head End serving the Nowata system remained a tower in Nowata where K60EX was received for inclusion on the Nowata cable system.

In June 2001, Cable notifies MDB of a channel change on the Nowata cable system resulting from installation of a fiber optic cable between Nowata and Bartlesville, Oklahoma⁵. Upon completion of the build out, Cable decommissioned the Head End at Nowata, relying on their Bartlesville, Oklahoma Head End for signal reception and distribution.

² Pursuant to Section 76.61(a)(5) a copy of this complaint was served on Cable by certified post (Exhibit 1) within the 60 day period commencing with Cable's response dated November 26, 2013, (Exhibit 9).

³ 47CFR § 75.55(d)(6)

⁴ See 30 December 1996 letter from MDB to Cablecom exercising Must-Carry (Exhibit 2).

⁵ See June 13, 2001 letter from Cable One to MDB regarding channel change notice (Exhibit 3).

Prior to decommissioning the Nowata Head End, Cable, at their own request, installed equipment to accept a baseband signal at KGCTG's transmitter site located in Nowata and has maintained that equipment over the ensuing years (since 2001).

In August 2012 Cable notifies MDB of their intent to discontinue carriage of KGCT⁶. In September 2012, approximately 15 years after inclusion of KGCT and approximately 11 years after switching KGCT from off-air reception to baseband signal, KGCT was removed from Cable's Nowata system.

On July 1, 2013 MDB delivers notice of intent to again exercise Must-Carry⁷. July 31, 2013 Cable claims KGCT is not qualified, citing less than minimum signal level at their Bartlesville Head End as the basis, and thereby refuses to reinstate KGCT carriage on the Nowata cable system⁸.

A Must-Carry complaint, by informal letter dated August 22, 2013 was delivered by certified post to the FCC and Cable One. This document was returned by the FCC⁹ pursuant to rule changes requiring filings be done electronically. On November 19, 2013 a second notice of intent to exercise Must-Carry¹⁰ was delivered to Cable. On November 26, 2013 Cable One again responds¹¹ in the negative.

Discussion

KGCT serves a county of 10,000. As the only media in Nowata County, KGCT has become a valuable source of local news and information. Attached is a letter from

⁶ See August 17, 2012 letter from Cable One to MDB concerning notice of intent to discontinue carriage (Exhibit 4).

⁷ See July 1, 2013 letter from MDB to Cable One exercising Must-Carry (Exhibit 5).

⁸ See July 31, 2013 letter from Cable One to MDB stating KGCT fails to meet signal level (Exhibit 6).

⁹ See November 12, 2013 letter from FCC to MDB outlining Dec.2011 changes to CSR filing (Exhibit 7).

¹⁰ See November 19, 2013 letter from MDB to Cable One exercising Must-Carry (Exhibit 8).

¹¹ See November 26, 2013 letter from Cable One to MDB declining to reinstate KGCT to cable (Exhibit 9).

Nowata County Sheriff, James Hallett¹² elaborating on KGCT's service in times of emergency. Serving an over-65 population that exceeds the average for the State of Oklahoma by more than one-third, KGCT airs multiple local church services in addition to immediate need-to-know information. The attached letter from a Joe Faulkner,¹³ a Manager of a local funeral service expresses the same.

This appeal to the Commission to step in and require Cable to again carry KGCT is made at the request and with the financial support of those Cable subscribers that have been affected. These resounding requests are illustrated through the attached email from the current Mayor of the City of Nowata¹⁴ and a few of those cable subscribers responsible for this request.¹⁵

KGCT serves the public interest -- exactly what the Low Power service was established to do. KGCT provides regular, daily coverage of the important issues and the fun but not so important issues to a sparsely populated county that would otherwise have no such media coverage. Coverage that after 15 years has been denied to a select portion of that population. KGCT along with many of Nowata's cable subscribing citizens, urge the Commission to remove any obstacle and direct Cable to reinstate KGCT to the channel it occupied since 2001 utilizing the same method of signal acquisition as was in place prior to September 2012

¹² See August 13, 2013 letter from Sheriff James Hallett (Exhibit 10).

¹³ See August 6, 2013 letter from Joe Faulkner, Manager Benjamin Funeral Service (Exhibit 13).

¹⁴ See August 20, 2013 email from Fred W. Barroman, Mayor of City of Nowata (Exhibit 11).

¹⁵ See letter from Cable subscriber, Nell Davis (Exhibit 12), letter from Cable subscriber Bob C. Sullivan (Exhibit 14), letter from Cable subscriber J.B. Krouse, Jr. (Exhibit 15).

Argument

Cable states “Cable One has determined that the signal of KGCT-CD does not meet the minimum signal requirements of –45dbm for carriage.”¹⁶ Cable appears to be referencing Section 76.55 (d)(6) identifying the required minimum RF signal strength a Low Power station must produce at Cable’s head end to qualify for carriage as –45dBm. This appears inconsistent with Section 76.55 (c) (3), which requires that more powerful Full Power stations deliver a –61dBm signal. While possibly a moot point since Cable states they were only able to receive a –67dBm signal, MDB contends it was not the intent of the Commission to require Low Power stations be held to a higher standard than Full Power stations.

This is not a new situation. Cable received KGCT from 1996 to 2001 at a Head End located within KGCT’s grade B service area. Around 2002 Cable moved their designated Head End to a community outside the KGCT coverage area. Cable accepted a baseband signal in 2001. Since that time, Cable has been receiving a demodulated baseband signal at KGCT’s transmitter building. MDB contends Cable may not now use the argument predicated on Section 76.55 (d) (6) to arbitrarily discontinue carriage of KGCT. MDB contends KGCT should be considered “grandfathered” and Cable should be directed to restore KGCT to the channel it occupied since 2001.

Conclusion

For over 11 years Cable accepted a KGCT demodulated baseband audio and video signal for distribution on their Nowata cable. Cable was acquiring KGCT via this

demodulated baseband signal on Sunday, September 23, 2012 when Cable's subscribers were suddenly deprived of KGCT's local programming for the first time since 1997. Pursuant to 47CFR§ 76.7, KGCT seeks relief in the form of waiver of the minimum signal level requirement and an order requiring Cable resume distribution of KGCT to their customers in Nowata utilizing the same signal acquisition method as was in place prior to September 23, 2012.

I hereby certify the above statements to be true and correct to be best of my knowledge.

Murphy D. Boughner 15, JAN 2014
Murphy D. Boughner
Licensee, KGCT-CD
P.O. Box 186
Nowata, Oklahoma 74048
918.273.2212
NowataTV25@yahoo.com

Subscribed and sworn to before me this 15th day of January, 2014
Karen Freeman 99019649
Notary Public My Commission Expires



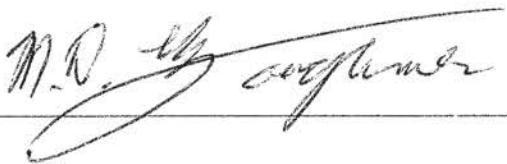
¹⁶ See July 31, 2013 letter from Cable One to MDB stating KGCT fails to meet signal level (Exhibit 6).

CERTIFICATE OF SERVICE

I further certify that on this 16th day of January 2014, I served the attached documents by Certified U.S. Mail, postage prepaid, on:

Mr. Dick Marnell
General Manager
Cable One
4127 Nowata Road
Bartlesville, OK 74006

Cable One, Inc.
210 E. Earll Drive
Phoenix, AZ 85012

 01/16/2014



KWCT_{LP} & KNCT_{LP}-TELEVISION

CHANNEL 66-BARTLESVILLE

CHANNEL 60-NOWATA

FREE TV

IN AND ABOUT WASHINGTON & NOWATA COUNTIES

WASHINGTON COUNTY TELEVISION, INC.

115 N.E. WASHINGTON BLVD.

BARTLESVILLE, OK! 74006

(918) 333-2216

30 December, 1996

General Manager
Cablecom Of Vinita & Nowata
105 S. Delaware
Vinita, OK.

Dear Sir,

Pursuant to FCC rules set forth in part 76 of 47 CFR, Low Power television station K60EX, Nowata, OK. is required to advise you of the following.

Low Power Television station K60EX, Antenna 60-TV of Nowata, qualifies for Must-Carry status as defined in §76.55(d) as a *Qualified* low power station. K60EX conforms to the low power television rules contained in 47 CFR part 74 and,

- (1) broadcasts in excess of the minimum number of hours of operation required by the Commission for full power television broadcast stations as defined in §73.1740 and,
- (2) meets all obligations and requirements applicable to full power television broadcast stations under part 73 with respect to the broadcast of non-entertainment programming as described in 47 CFR §73.670 through §73.671 regarding programming for children, 47 CFR §73.1910 through §73.1944 regarding political candidates and rates, elections, personal attacks and equal employment opportunity and,
- (3) complies with interference regulations consistent with 47 CFR part 74 and,
- (4) is located within 5 miles of Cablecom Of Vinita & Nowata's principal Nowata headend and delivers an over-the-air signal of good quality and,
- (5) is located outside the largest 160 Metropolitan Statistical Areas determined by the Office of Management and Budget and,

30 December, 1996
Page 2

(6) qualifies for carriage pursuant to 47 CFR §76.56(b)(3) regarding the absence of any full power television broadcast stations licensed to Nowata County, Ok..

K60EX is ~~owned and~~ operated by Washington County Television, Inc., an Oklahoma Corporation.

K60EX herein elects "Must-Carry" status on cable channel 60 (or such other channel as may be mutually agreeable if channel 60 is unavailable due to technical limitations of the existing cable system) of the Nowata cable system operated by Cablecom Of Vinita & Nowata consistent with the regulations set forth in 47 CFR part 76.

5-5000
Doug Boughner, President
Washington County Television, Inc.
115 NE Washington Blvd.
Bartlesville, Ok. 74006
(918) 333-2216

Dated: 11/30/96



The **ONE** you count on

4127 SE NOWATA ROAD
P.O. Box 1028
BARTLESVILLE, OK 74005-1028
PH: 918•335•0123
FX: 918•333•6757

06/13/01

Mr. Doug Boughner
K60EK
305 N. Pine
Nowata, OK 74048

Dear Mr. Boughner:

Cable One will be completing the rebuild of the Nowata cable system in the next 30-45 days. We will be inter-connecting the Nowata cable system to the Bartlesville system through fiber optics lines. The Nowata channel lineup will need to be aligned to the Bartlesville lineup. It will be necessary to move your signal from channel 14 down to channel 13 on the new Nowata system.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Dick Marnell".

Dick Marnell

SPoke by phone w/ Doug Boughner 6-14-01 (419) 331 2457



Watch us make you smile.

4127 NOWATA ROAD
BARTLESVILLE, OK 74006
PH: 918-335-0123
FX: 918-333-6757

August 17, 2012

Mr. Murphy D. Boughner
PO Box 186
Nowata, OK 74048

Dear Mr. Boughner,

This letter is to notify that Cable One has determined that KGCT-CD no longer qualifies for must-carry status. According to filings with the FCC and test we have completed, we have determined that your signal is not being broadcast over the air and we intend to remove KGCT-CD from the cable lineup effective September 22, 2012.

Sincerely,

A handwritten signature in cursive script that reads "Dick Marnell".

Dick Marnell
Cable One

918-333-6123

KGCT-CD TELEVISION
CHANNEL 25 NOWATA
FREE TV
IN AND ABOUT NOWATA COUNTY
WASHINGTON COUNTY TELEVISION, INC.
P.O. Box 186
NOWATA, OK! 74048
(918) 273-2212

July 1, 2013

Mr. Dick Marnell
 Cable One
 4127 Nowata Road
 Bartlesville, OK 74006

Dear Mr. Marnell,

This letter is to notify that KGCT-CD broadcasts all required digital signals, maintains a valid license and continues to comply with applicable FCC regulations. KGCT-CD continues to qualify for, and exercise our right to, "Must-Carry" status on the Nowata cable system. As of August of 2001, KGCT occupied cable channel 13. Despite our conversion to digital transmission, we see no reason to alter the cable channel, method of delivery or content. The audio and video content of our primary signal, over-the-air channel 25.1, is the only signal we expect Cable One to deliver to their cable subscribers.

KGCT has been archiving Nowata, covering county events, school sports, County Boards and Commission meetings, providing free and timely obituary notices and airing local churches for 20 years.

KGCT has always and continues to serve the citizens of Nowata County.

Sincerely,

Doug Boughner
 918.273.2212
 ddb@fullnet.net

7012 2210 0001 7820 3350

U.S. Postal Service™	
CERTIFIED MAIL® RECEIPT	
(Domestic Mail Only, No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
SPECIAL USE	
Postage	\$ 11.05
Certified Fee	\$3.10
Return Receipt Fee (Endorsement Required)	\$2.35
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$ 16.50
07/02/2013	
Sent To	
Street, Apt. No., or PO Box No.	
City, State, ZIP+4	
PS Form 3800, October 2009	



Watch us make you smile.

4127 NOWATA ROAD
BARTLESVILLE, OK 74006
PH:918•335•0123
FX:918•333•6757

July 31, 2013

Mr. Doug Boughner
PO Box 186
Nowata, OK 74048

Via Certified Mail

Dear Mr. Boughner,

This letter is to notify you that Cable One has determined that the signal of KGCT-CD does not meet the minimum signal requirements of -45dBm for carriage. Our technical department has taken several measurements at our headend. The highest signal reading we were able to get was a -67dBm and that was with a 26 dBm gain preamp. Our principal headend is located at the North end of Home Street, Bartlesville, Oklahoma.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dick Marnell". The signature is written in dark ink and is positioned above the printed name.

Dick Marnell



Federal Communications Commission
Washington, D.C. 20554

November 12, 2013

Mr. Murphy D. Boughner
Washington County Television, Inc.
P.O. Box 186
Nowata, OK 74048

In re: Murphy D. Boughner
(KGCT-CD)

Dear Mr. Boughner:

We are in receipt of your letter dated September 25, 2013, regarding the status of a Must Carry Complaint you filed with the Commission on August 22, against Cable One, Inc. Your letter included a duplicate set of the original filing and a copy of the US Postal Service return receipt card, signed and date stamped "received" at the FCC mail room on August 29.

We have researched this matter in an effort to locate the original filing. Unfortunately, the Media Bureau has never received the complaint.

For your information, on December 30, 2011, the Media Bureau released Public Notice (DA 11-2095), announcing commencement of mandatory filing for Cable Special Relief (CSR) petitions using the Commission's Electronic Comment Filing System (ECFS).

Effective January 3, 2012, the Commission implemented mandatory electronic filing for CSR petitions. As of that date, the Commission no longer accepts or considers Cable Special Relief (CSR) petitions filed on paper. All CSR petitions (except confidential filings) must be submitted electronically via the ECFS in the Media Bureau's holding area, Docket No. **MB Docket 12-1**.

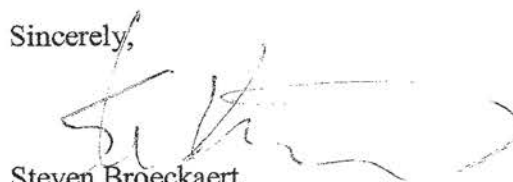
Your letter states that KGCT's complaint would become stale after October 1, 2013. Regrettably, we cannot accept the paper copies you resubmitted for filing. If KGCT desires, it can file a new demand for carriage with Cable One and, if rejected, file a new complaint using the mandatory electronic filing system.

Enclosed for your information is a copy of the Media Bureau's Public Notice (DA 11-2095). It provides instructions on how to file petitions electronically in ECFS.

For assistance in filing petitions in ECFS please contact Ms. Melissa Askew on 202-418-0292, ECFS help on (202) 4180-0193, or email ecfshelp@fcc.gov.

For any questions about the Media Bureau's Special Relief and Show Cause Petitions Public Notice release please contact Claudia Tillery on (202) 418-1059.

Sincerely,

A handwritten signature in dark ink, appearing to read 'S. Broeckart', written over a horizontal line.

Steven Broeckart
Senior Deputy Chief, Policy Division
Media Bureau

KGCT-CD TELEVISION
CHANNEL 25 NOWATA
FREE TV
IN AND ABOUT NOWATA COUNTY
WASHINGTON COUNTY TELEVISION, INC.
P.O. Box 186
NOWATA, OK! 74048
(918) 273-2212

November 19, 2013

Mr. Dick Marnell
Cable One
4127 Nowata Road
Bartlesville, OK 74006

Dear Mr. Marnell,

KGCT-CD continues to qualify for, and exercise our right to, "Must-Carry" status on the Nowata cable system. Cable One carried our local Nowata programming on cable channel 13 from August 2001 until September 2012. There is no reason to alter the cable channel, method of delivery or content. The audio and video content of KGCT's primary program stream, the sole signal KGCT provides Cable One, is the only signal we expect Cable One to deliver to their cable subscribers.

Serve the public interest has always been the prime directive at KGCT. KGCT has provided this public service for 20 years. The Cable One decision to remove the local programming provided by KGCT only affects Cable One subscribers. The same Nowata City citizens urging KGCT to pursue Must-Carry reinstatement by Cable One.

KGCT serves Nowata.

Sincerely,

Handwritten signature of Doug Boughner in cursive script, followed by the date 11/19/2013.

Doug Boughner
918.273.2212
ddb@fullnet.net



4127 NOWATA ROAD
BARTLESVILLE, OK 74006
PH:918•335•0123
FX:918•333•6757

Watch us make you smile.

November 26, 2013

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Doug Boughner
KGCT-CD Television
P.O. Box 186
Nowata, OK 74048

Dear Mr. Boughner:

We are in receipt of your recent letter reaffirming your understanding that KGCT-CD is qualified for must-carry status and that you are exercising your right to require Cable One to carry the station on our Nowata cable system.

We respectfully disagree and since you have earlier stated that you were filing a must-carry complaint at the FCC, we will respond to the substance of your contentions in that proceeding.

Yours truly,

A handwritten signature in cursive script that reads "Dick Marnell".

Dick Marnell
Cable One

NOWATA COUNTY SHERIFF'S DEPARTMENT

229 N. Maple Street
Nowata, Oklahoma 74048
918-273-2287 Fax 918-273-1936

James H. Hallett
Sheriff

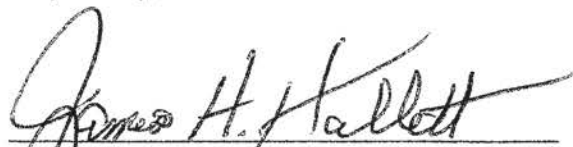
William "Bill" Tate
Under Sheriff

DATE: August 13th, 2013
TO: Dick Marnell,
FROM: James H. Hallett / Nowata County Sheriff
REF: KGCT-TV

Murphy D. Boughner, owner and operator of KGCT- TV has for many years provided valuable services for the community of Nowata County through his broadcast of both county and cities meetings, school and civic groups, school sporting events as well as church service for the homebound. KGCT-TV has assisted both county and city law-enforcement efforts by broadcasting emergency notices of wanted fugitives and missing children as well as hazardous conditions existing in the community. During times of need Mr. Murphy D. Boughner/KGCT-TV has never refused to broadcast or provide us access to his resources which many times has saved law enforcement valuable time. This mentions only a few of the many benefits provided by KGCT-TV and Mr. Murphy D. Boughner.

Mr. Boughner along with KGCT-TV has always been a valued associate. The loss of KGCT-TV would be a loss for all citizens of Nowata County.

Respectfully,



James H. Hallett / Sheriff
Nowata County Sheriff's Department

Date: Tue, 20 Aug 2013 12:27:50 -0500
From: "Fred Barrowman" <fwb@cableone.net>
To: "ddb" <ddb@fullnet.net>
Subject: KGCT
To whom it may concern,

I am a Cable One bundled subscriber in Nowata at 122 East Modoc avenue and I want KGCT television reinstated to Cable One's lineup.

For years and years it was from KGCT on Cable One that I got cutting edge news on local events. KGCT made me aware of the alarming condition of the city of Nowata which caused me and others to run for City Council seats. We won and now I am Mayor of Nowata and conditions are markedly improved.

Fred W. Barrowman

Cable One
4127 SE Nowata RD
Bartlesville, OK 74006

To Whom It May Concern,

I am requesting the return of Nowata cable station KGCT. It is very helpful for local news, school closings, death notices and community activities. We only have a once weekly newspaper, which means we don't have the local news available when it happens. I am a customer with Cable One and would really appreciate returning the Nowata station to the Cable One line up.

Thanks,



Nell Davis
1007 W Davis Dr
Nowata, OK 74048



To Whom It May Concern:

August 6, 2013

KGCT TV has served the community of Nowata faithfully for many years. Since my arrival here in 2003 Doug Boughner and KGCT have been very instrumental in bringing to the citizens of Nowata vital information to the community that otherwise would not be available. Emergencies within the city and county of Nowata as well as death notices, and community events are broadcast letting our community know. They are a vital link to our community and it would be a huge loss to the citizens of Nowata if this service was lost. I urge the FCC to allow KGCT TV to be reinstated on the Nowata Cable station.

Sincerely,

Joe Faulkner

Manager

Benjamin Funeral Service



Toll Free: 888-273-8500
114 West Cherokee • Nowata, Oklahoma 74048 • Phone: (918) 273-2700 • Fax: (918) 273-2197
honoringmemories.com



Bob C. Sullivan
232 west Cherokee
Nowata, Okla. 74048

To whom it may concern,
My self and my wife would like for Cable One to let KGCT broadcast over the Cable One Network to the people of Nowata, KGCT has served the people of Nowata for many years brining news that helped to keep the community informed of all the Church activities, High School Sports, like football, basketball, and all school activities also Impending weather and Many other Community services. Since Cable One took KGCT off of their Cable network, it has had a terrible impact on the people of Nowata keeping up with the things that go on in our city. We have Cable One TV but we cannot receive KGCT like we used to since they removed it. My family would gratefully appreciate any consideration you might have in letting KGCT broadcasting over the Cable One Network.

Sincerely
Bob C. Sullivan

A handwritten signature in cursive script that reads "Bob C. Sullivan".

TO WHOM IT MAY CONCERN

I AM PRESENTLY A 'CABLE ONE' SUBSCRIBER AND WOULD LIKE THE
MANAGEMENT OF CABLE ONE TO PROVIDE DOUG BOUGHNER, A LOCAL
TELEVISION BROADCASTER, ACCESS TO THEIR SYSTEM WHEREBY WE
CAN HAVE LOCAL NEWS AND HAPPENINGS IN OUR CITY OF
NOWATA, OKLA.

A handwritten signature in cursive script, appearing to read "G. B. Krouse, Jr.", is positioned above the printed name.

G. B. KROUSE, JR.
306 WEST DELAWARE AVE.
NOWATA, OKLA. 74048